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10/661,638	09/15/2003	Jiro Hiraiwa	242742US3	8007
22850	7590	07/07/2009		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.			EXAMINER	
1940 DUKE STREET			ZHENG, LOIS L	
ALEXANDRIA, VA 22314			ART UNIT	PAPER NUMBER
			1793	
NOTIFICATION DATE	DELIVERY MODE			
07/07/2009	ELECTRONIC			

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: JIRO HIRAIWA, OSAMU YOSHIMOTO
and TETSURO TOJO

Application No. 10/661,638
Technology Center: 1700

Mailed: July 7, 2009

Before GLORIA HENDERSON, *Review Team Paralegal*
HENDERSON, *Review Team Paralegal.*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on June 29, 2009. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

EXAMINER'S ANSWER, ENGLISH TRANSLATIONS

The certified English translations for WO 01/77412 (Tojo et al.) and JP2000-160390 (Fumio et al) listed under the Evidence Relied Upon section of the Examiner's Answer filed on February 24, 2009, are missing from the IFW file. The Examiner seems to be relying on a machine translation. The BPAI do not accept machine translations. Appropriate correction is required.

MPEP 1207.02 states in part:

If a document being relied upon by the examiner in support of a rejection is in a language other than English, a translation must be obtained so that the record is clear as to the precise facts the examiner is relying upon in support of the rejection. The translation should be obtained prior to the appeal conference so that the participants of the appeal conference can consider the translation. The examiner should reference the pertinent portions of the translation at least in the grounds of rejection section of the answer. See MPEP § 706.02 for reliance upon abstracts and foreign language documents in support of a rejection.

Accordingly, it is

ORDERED that the application is being electronically returned to the Examiner:

- 1) to have the certified English translations for WO 01/77412 and JP2000-160390 scanned into the record; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

GJH

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